Previous references.
For 108—C681—20
" 286—09
" 259—10
" 205—11

Later references.

1912
(Genl. Misc.)

File No. 299-11

Serial Nos. 1-6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—6

Part B. for December 1912

SUBJECT.

Cancellation of the exclusive privilege in respect of an invention for 'Process and Apparatus for recovering solids of liquids' by Messrs Merrell & Ors.

1. From Messrs Remfry and Son, Calcutta Letter dt 11-5-12
   Forwds Rs-50/- being the 2nd renewal fee for the continuance of the exclusive privilege in respect of the above named invention.
2. To —do— No. G. 6417 dt 7-6-12
   Acknowledgs receipt of Rs-50/- and calls for the Govt order authorizing the filing of the Specification.
3. From —do— Letter dt 31-7-12
   With reference to the above states that the expression 'Ors' is an abbreviation of and others and solicits the grant of the Certificate without the production of the original order

4.

NL 12/7/13 G. R. S. 58

4. To Messrs Remfry & Son No. G. 857 dt 13.5.12
State the Govt order is required for reference in connection with the pending application

5. From — do — Letter dt 5-10-12
state that they are now instructed to allow the Mysore Patent to lapse and request that the amount remitted with Sl. 1 may be refunded.

6. To the Compiler Mysore Gazette No. G. 3042 dt 7.12.12
Notifies the Cancellation of the exclusive privilege in respect of the above invention

To Messrs Remfry & Son No. G. 3041 dt 7.12.12
Forwards copy of the above & advises remittance by M.O. of the amt of Rs 80 received with Sl. 1.

G.R.S. 11] 191/-12

GENERAL AND REVENUE SECRETARIAT.

(Gen : Mis)

NOTES.

Gen File No. 299 11/12

FILE HEADING.

Continuance of the exclusive privilege in respect of an invention for "Process and Apparatus for recovering solids of liquids" by Messrs Merrell & Ors.

From

Messrs Remfry & Son, Calcutta.

No. Dated 11. 5. 12 Received 14 5. 12

Diary No. 4918	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards Rs 50/- being the second renewal fee for the continuance of the exclusive privilege in respect of the above named invention.

NOTES AND ORDERS.

× Gen 108-06
Gen 286-09
Gen 259-10

1 Collection containing orders granting leave to file the specification of the invention, assignment of the patent to Imfood Ltd and of the applⁿ for the first renewal of the patent right are herewith putup. The first two collections show that "Messrs Lewis Charles Merrell, Young

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]
General and Revenue Secretariat.

Gm File No. 299 of 1911

Serial No.

8249/8

Seaward Merrell and Wm Buell Gere" as inventors, whereas the last collection and the present application refer to the patent as "re Merrell + Ors"

2 Subd with a draft.

GA 99 / 18.5.12 JRH VS. 41

3. The Specifications of the patent in question were filed on the 13th may 1907 and not on the 15th may 1907 as stated in Messrs Remfry & Son's letter of the 11th May 1912. The present remittance seems to have been received in the Secretariat on the 14th May 1912, being thus late by a day

VS. 41

30-5-12 5 Draft, as added to, approved for issue

hm

4 Call for the Despatch G.O for reg & return for reg & return

On the previous occasion of refusal also they said 15th May 07. It is necessary to verify this, to see whether the time has been exceeded, & if so, whether any penalty has been remitted as provided in Sec 8 cl (4).

2. To Messrs Remfry & Son, Calcutta, No G. 641 dt 30/5/12 7.6.12 — Acknowledges the receipt of Rs 50/- forwarded with Sl 1 & calls for the G.O. No G. 3408 G. M. 108-06-9 dt 30.11.06 authorising the filing of the Specn referred to for refce

End

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]

General and Revenue Secretariat.

G.M. File No. 299 of 1911

Serial No.	
3.	From Messrs Rempty & Son, dy 21. 7. 12.

With refce to the above, states that the expression "+ Brs" is an abbreviation of and others, and solicits the grant of the certificate without production of the original order in the matter.

6 Vide para 4 supra. Draft calling for the G.O. is subd.

Subd
G.A.99
6.8.12
VS. 41

7. Issue

M
7.8.12

4. To dy, No. G. 857 dy 13. 8. 12 — Acknowledges receipt of the above & states that G.O. No. G. 3408 G.M. 108-06-5 dy 30. 11. 06 may be forwarded to this office, as it is required for refce in connection with the pending apptn.

GM

5 From Messrs Rempty & Son dy 5. 10. 12.

With refce to the above, state that they are now instructed to allow the Mysore Patent to lapse and request that the amount paid for the second renewal may be refunded.

8. There is no express provision in the Mysore inventions and ~~Patents~~ designs Regulations for the refund now asked for under the existing circs. Subd for orders.

G.A.99
14.10.12
VS. 41

9. The only point for decision in the present case is whether the

Copy put up

NOTE—Contn. sheet.

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

G. R. File No. 299 of 1914-15

Serial No.

action taken by Govt. so far, on the applicants' grievances. Remuneration, is of such a nature as to disentitle the Company from claiming a refund. The application is for the second renewal of a Specification already filed, and hence comes under Schedule 4, Clause (4). If an order as contemplated in Sec. 6. Clause (1) of the Regn. had issued permitting of the renewal of the Exclusive Right, the Company would have had no claim for any refund of the fees paid. But as it is, it will be observed from the correspondence filed that the matter had not proceeded beyond the stage of enquiry, which however should be complete before an order issues, when the Company volunteered to allow the Patent Right to lapse, that is, they desired to withdraw their application for renewal. Although there is no express provision in the Inventions & Designs Regulation to meet the requirements of such cases, it is submitted, that the Refund has to be allowed for two reasons, the first is, that the present case does not strictly come under the scope of this

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat.

G. M File No. 299 of 1911-12

Serial No.

Regulation, and even if it did in a general sense, it does not fall within those provisions which necessitate the payment of a fee without permitting a refund. Besides a wide latitude is allowed to Govt to deal with such cases under section 47, Clause (2).

BBK 17/10/12

Madrassi 7

10. The above view is, I think, correct. No action has been taken on the application for renewal, which is yet only in the stage of enquiry. The amount may be retd and the patent allowed to lapse. Please put up draft.

bz 17.10.12

11. Draft Not. is put up. Br. III may perhaps be consulted as to the correctness of the procedure proposed to be adopted.

VS. 41 (8.10.12

12. Ws.)

BBK 18/10.

13. I don't think there is any doubt

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat. | G. M. File No. 299 of 1911-12

Serial No.

5 2095

in the matter. However the opinion of Mr III may be taken as suggested.

14. The issue of the Notn. as in the draft put up and taking of action as prescribed in Sec 40 of the Regn are the only steps now necessary, I think

15. III) 16/10/12

Submitted

16. Under sub-sections (2) of sec. 8 of the Inventions and Designs Regn, 1894, the exclusive privilege will cease if the inventor fails to pay within the time limited in that behalf by the fourth schedule any fee prescribed in that schedule in respect of the continuance of the privilege. Under sub-sec. 3 of the said section of the amount could not be paid in time the inventor may apply to the Govt of Mysore for an enlargement of the time. Under sub-sec (4) of the said section Govt may enlarge the time for a period

NOTE—Contn. sheet.

GPB—65,000—7-6-12.

G. R. S. 12]

General and Revenue Secretariat. | File No. 299 of 1911-12

Serial No.

2093.

not exceeding in any case 3 months.

17. In this case as mentioned the prescribed fee was not received in time and as no application was received for enlargement of time, the right to exclusive privilege expired ~~before the money was paid~~ and when the money was received there was no right ~~for which~~ subsisting towards the continuance of which the money could be credited ~~The money could therefore not be paid~~

(S.S.)
30/10/12

18 There seems to be no objection to allow the refund

19 To Br V

12/11/12

20 Submitted
B.S. 41
12-11-12 21 Ks.

MK 12/11

NOTE—Contn. sheet.

GPB—6⁵,000—7-6-12.

G. R. S. 12]

General and Revenue Secretariat.

G. M File No. 299 of 1911-12

Serial No.

2095

22 The draft Not[n] and memo may be approved. The necessary entries in the Register indicating the cessation of the exclusive privilege, will be made, as required u/sec 40 of the Reg[n].

23 Secy

13.11.12

24 [st] Consulted

19/11

25 The refund is regular

Why shd a Not[n] be issued?

Under what section?

26/11/12

27/11

26 The publication of a notification in the Gazette is not prescribed in the Regulation. In fact, even in cases of 'grants of privilege' no notification is prescribed. It has however been the practice

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

,R. S. 12]

General and Revenue Secretariat. | G. M File No. 299 of 1911-12

Serial No.

2095 How do you make this out? Please let me see an example?

30/11/12

to notify these matters for general information This is in accordance with the practice in British India also kind attention is invited to the notes (pp 2-4) in ~~the~~ file 205-1136/1-3, put up, where the point has been considered and noted upon in some detail.

(1st Counsellor) 28/11/12

The Gazette of India 6-12-12 Contg. the notifn on the point Sent mgt 3/12/12

All right. The Notn may be issued.

3/12/12

Issue

4.12.12

6 To the Compiler, Mysore Gazette, Rs. G. 3040 of 2.12.12 — Notifies the cancellation of the exclusive privilege granted in respect of the invention ref'd to.

Rec'd 17/12

NOTE—Comtn. sheet.

GPE—65,000—17-6-12.

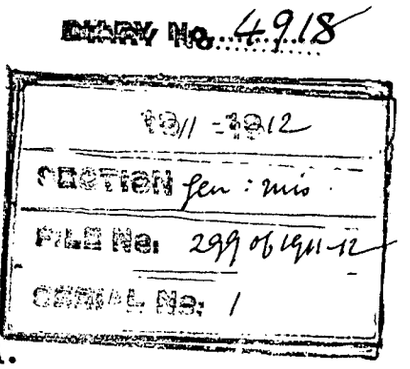
To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,

GENERAL & REVENUE DEPARTMENTS,

BANGALORE,

M Y S O R E.



From

REMFRY & SON,

Solicitors & Patent Agents,

C A L C U T T A.

Dated Calcutta, the 11th May 1912.

Sir,

re MERRELL & ORS. (MYSORE NO. G.3408-06 / G.M.108-06-9 dated 15/5/07) RENEWAL.

We have the honour to forward by Post Office Order the sum of Rs. 50/- being the Second Renewal Fee on the above Mysore Patent the Specifications of which were filed on 15th May 1907.

The said Mysore Patent has been assigned to Trufood Ld.

We solicit the favour of your granting the usual Official Certificate.

We have the honour to be,

Sir,

Your very obedient servants,

REMFRY & SON

I.M.B.

(2

Rupees fifty only

14/5/12

COUPON. *The remitter may write here any communication to the payee.*

Rs. 50. Nil. 2nd Renewal of Merrell & Ors' Mysore Patent No. G.3408-06
G.M.108-08.

HEMFRY & SON
Remitters

Remit this
B'lore Dy 9-12-12

GA

2

13

G.R.S. 26]

8m File No. 299-11

Serial No. 2

Diary No. of letter replied to 4918

No. G. 6416.

Enc-

General and Revenue Secretariat

( )

, *the* 19

To

Messrs Remfry & Son,

Solicitors & Patent Agents

Calcutta

Date of issue 7.6.12

Signed by Mr B. Rama Swamayya

Gentlemen,

I am directed to acknowledge the receipt of the sum of Rs 50/- forwarded with your letter of the 11th May 1912, on account of the second renewal fee in respect of an invention for "Process and Apparatus for recovering solids of liquids".

2 over.

SUBJECT.

2. It is not however understood why in the letter under reply, the patent in question is referred to as that of "Merrel + Ors", while in your first applⁿ of the 5th Sept 1906 for leave to file a specification of the inventors as well as in the Deed of Assignment and the Power-of-attorney forwarded with your letter of the 17th May 1910, the names of "messrs Lewis Charles Merriell, Irving Seaward Morrell and William Buell Eyre" are mentioned as "inventors"; and I am to request to be furnished with information on this point.

H.O.P.+Q

The Govt. order no. G3408-G.m-108-06-9 of 30-11-1906 authorising the filing of the specification may be kindly also forwarded to this office for reference and return.

List of enclosures,

I have &c.,

30/5/12

For the Secretary

Copied by

Examined by

GPB—20,000—25-9-10

REMFRY & SON,
SOLICITORS & PATENT AGENTS.

TELEGRAPHIC ADDRESSES :—
GENERA "REMFRYS, CALCUTTA."
PATENT DEPT.:. "PATENTABLE, CALCUTTA."
CODES :— A. B. C. CODE (5TH EDN.) / WESTERN UNION TEL. CODE. / PATENT CODE.

Patent Department.

FOREIGN MEMBERS,
CHARTERED INSTITUTE OF PATENT AGENTS,

TELEPHONE NO. 593

PLEASE ADDRESS POST BOX NO. 161.

8, Hastings Street,

Calcutta, 31st July 1912.

DIARY No. 700

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL & REVENUE DEPARTMENTS,
BANGALORE,
MYSORE.

10/2-1913
SECTION Gen: Mis
FILE No. 299 of 1911-12
SERIAL No. 3

Sir,

re MERRELL & ORS. (MYSORE NO. g 3408-06
g.m.108-06-9
dated 15/5/07)

RENEWAL.

We beg to acknowledge receipt of your Letter No. G.6417/G.M. 299-11-2 dated 7th ult. regarding the Second Renewal Fee paid by us on the above Mysore Patent.

2. We would respectfully submit that the expression -- "& Ors." is a universally accepted abbreviation for "and others" and that the words "Merrell & Ors." is the usual legal method of referring to Messrs L. C. Merrell, I.S. Merrell & W. B. Gere.

3. The Mysore Patent is, we would point out, also identified by its No. and date and by the statement that it has been assigned to Trufood Ld.

4. Your attention is also drawn to the fact that in our letter of 11th April 1911 submitting the First Renewal Fee on this Patent, such Patent is also referred to as that of "Merrell

"&

IN ALL LETTERS REGARDING THIS MATTER, WE SHALL BE MUCH OBLIGED BY YOUR USING THE ABOVE HEADING AND NOT INCLUDING OTHER MATTERS IN SUCH LETTERS.
[PLEASE ADDRESS CORRESPONDENCE TO :—REMFRY & SON, (PATENT DEPT.), POST BOX NO. 161, CALCUTTA.]

Tho Secty to the Govt. of Tycoro.
Cont. & Rcv. Dept.

S2/1/Dc.

--- ---

5. To therefore collect the favour of your despatching the usual Official Certificate as early Case where Production of the Original Order in this Letter.

To have the honour to be,

Sir,

Your very obedient servant,

I.M.B.

12

G.R.S. 26]

(6)

Gen File No. 29
Serial No. 4

Diary No. of letter replied to 700

No. 6857.

General and Revenue Secretariat
( )
, *the* 19 .

To

Messrs Remfry & Son,
Solicitors and Patent Agents,
8, Hastings St, Calcutta.

Date of issue 13-8-12

Signed by Mr B Ramaswamiyer.

Gentlemen,

I am directed to acknowledge the receipt of your letter dated the 31st July 1912, and to state that as the original Govt Order No. G 3408- dated the 30th Nov. 1906 Gen 108-06-9 authorizing the filing of the Sp. is required for reference in connection with the pending application ~~the grant of the exclusive privilege in respect of the invention for~~

over.

SUBJECT.

7

Process and Apparatus for recovering solid or liquids" by ~~him~~ Merrell and others. I am ~~instructed to request that the~~ same ~~may be~~ kindly forwarded to this office. It will be duly returned ~~as early as possible~~.

I have &c

by

7.8.12

For the Secretary

VS.41

List of enclosures,

Copied by [illegible]

Examined by

GPB—20,000—26-9-10

REMFRY & SON,
SOLICITORS & PATENT AGENTS.

TELEGRAPHIC ADDRESSES:—
GENERAL: "REMFRYS, CALCUTTA."
PATENT DEPT.: "PATENTABLE, CALCUTTA."
CODES:— A. B. C. CODE (5TH EDN.) WESTERN UNION TEL. CODE. PATENT CODE.

Patent Department.

FOREIGN MEMBERS,
CHARTERED INSTITUTE OF PATENT AGENTS.

TELEPHONE NO. 593

PLEASE ADDRESS POST BOX NO. 161.

8, Hastings Street,

Calcutta 5th October 12.

Dept. P. File Ln. M.
FILE INDICATION,
Mysore Renls.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE

GENERAL & REVENUE DEPARTMENTS,

BANGALORE,

MYSORE.

2095

From

REMFRY & SON

SOLICITORS & PATENT AGENTS,

CALCUTTA.

12 13
fen. mis
299 of 1912-13
5

Dated, Calcutta 5th October 1912.

re MERRELL & ORS. (MYSORE NO. g 3408-06
g.m. 108-06-9

dated 15/5/07)

RENEWAL.

With reference to your Letter No. G.857/G.M.299-11-4 dated 13th August last, we are now instructed to allow this Mysore Patent to lapse and therefore request that the amount

of

IN ALL LETTERS REGARDING THIS MATTER, WE SHALL BE MUCH OBLIGED BY YOUR USING THE ABOVE HEADING AND NOT INCLUDING OTHER MATTERS IN SUCH LETTERS.
[PLEASE ADDRESS CORRESPONDENCE TO:—REMFRY & SON, (PATENT DEPT.), POST BOX NO. 161, CALCUTTA.]

G.R.S. 13]

(8)

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Sheet 2

To
The Secy to the Govt of Mysore
Genl & Rev. Depts)

5/10/12

---

of the Second Renewal Fee paid by us (Rs50/-) be refunded to us.

Thanking you in anticipation.

We have the honour to be,

Sir,

Your very obedient servants,

REMFRY & SON

A.M.

Money Remitted
20 R.I with Cover for Share

All

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

G. 3040 of 7-12-12

G.M. 299-11-6

Notification

of

It is hereby notified for general information that the exclusive privilege granted in respect of the invention of "a Process and apparatus for recovering Solids of Liquids" by Messrs. Lewis Charles Nessell, Irving Seward Nessell and William Buell Gere all of Syracuse, Newyork, U.S.A., & subsequently assigned by them to Truefood Limited of 20 Queen St., London, England, is cancelled under S. 15 cl. (6) of the Mysore Inventions & Designs Regulation XI of 1894.

By order

15/11

13-11-12 Offg. Secy to Govt.

To

The Compiler, Mysore Gazette, for publication

P. T. O.

GPB—10,000—22-2-11.

24 Feb 1913

VS. 21

Memo No. G. 3041 dt. 7-12-12

Copy of the above is forwarded to Messrs. Remfry & Son, Solicitors and Patent Agents, Calcutta, with reference to their correspondence ending with their letter of the 5th October 1912 on the subject. ~~It is requested that~~ They will kindly return the G.O.* (No. G. 3408 - G. R. 10-06-4 dt. 30-11-06) granting leave to file a ~~Specification of the invention~~. The amount of Rs 50 received towards the fee for the continuance of the privilege in connection with their Application of the 11th May 1912 in that behalf has been returned to them by M.O. No. 5668 dt. 9-12-1912 Postal Money order, deducting the commission on the remittance.

*This is not necessary

By order,

Offg. Secy to Govt.

18/12

18/12/12